AMENDMENTS TO THE CLAIMS:

1. (Currently amended) ~~A~~ An isolated promoter comprising a nucleotide sequence selected from the group consisting of the following sequences, and a fragment thereof having promoter activity:

(a) a nucleotide sequence of SEQ ID NO: 1,

(b) a nucleotide sequence that has at least ~~70%~~ 95% homology to the sequence of SEQ ID NO: 1 and has promoter activity, and

~~(c) a modified nucleotide sequence of SEQ ID NO: 1 that has one or more modifications selected from a substitution, a deletion, an addition and an insertion and has promoter activity, and~~

~~(d)~~ (c) a nucleotide sequence that hybridizes with the ~~a~~ nucleotide sequence of SEQ ID NO: 1 under stringent conditions and has promoter activity, wherein the stringent conditions comprise a wash at 60°C for 15 minutes in a solution of 0.5 x SSC concentration and 0.1% SDS.

2-3. (Canceled)

4. (Currently amended) The isolated promoter according to claim 1, which functions in a filamentous fungus that belongs to ~~Agonomycetes~~ Agonomycetes.

5. (Currently amended) The isolated promoter according to claim 1, wherein the length of the fragment having promoter activity is at least 600 bp.

6. (Withdrawn) A terminator comprising a nucleotide sequence selected from the group consisting of the following sequences, and a fragment thereof having terminator activity:

(e) a nucleotide sequence of SEQ ID NO: 2,

(f) a nucleotide sequence that has at least 70% homology to the nucleotide sequence of SEQ ID NO: 2 and has terminator activity,

(g) a modified nucleotide sequence of SEQ ID NO: 2 that has one or more modifications selected from a substitution, a deletion, an addition and an insertion and having terminator activity, and

(h) a nucleotide sequence that hybridizes with a nucleotide sequence of SEQ ID NO: 2 under stringent conditions and has terminator activity.

7. (Withdrawn) The terminator according to claim 6, wherein sequence (f) is a nucleotide sequence having at least 80% homology to the nucleotide sequence of SEQ ID NO: 2.

8. (Withdrawn) The terminator according to claim 6, wherein sequence (f) is a nucleotide sequence having at least 90% homology to the nucleotide sequence of SEQ ID NO: 2.

9. (Withdrawn) The terminator according to claim 6, which functions in a filamentous fungus that belongs to Agonomycetes.

10. (Withdrawn) The terminator according to claim 6, wherein the length of the fragment having terminator activity is at least 400 bp.

11. (Currently amended) An isolated expression vector comprising the promoter or the fragment thereof according to claim 1.

12. (Withdrawn) An expression vector comprising the terminator or the fragment thereof of claim 6.

13. (Currently amended) An isolated expression vector comprising a promoter comprising a nucleotide sequence selected from the group consisting of the following sequences, and a fragment thereof having promoter activity:

(a) a nucleotide sequence of SEQ ID NO: 1,

(b) a nucleotide sequence that has at least ~~70%~~ 95% homology to the sequence of SEQ ID NO: 1 and has promoter activity,

~~(c) a modified nucleotide sequence of SEQ ID NO: 1 that has one or more~~

~~modifications selected from a substitution, a deletion, an addition and an insertion and has promoter activity, and~~

~~(d)~~ (c) a nucleotide sequence that hybridizes with the ~~a~~ nucleotide sequence of SEQ ID NO: 1 under stringent conditions and has promoter activity, wherein the stringent conditions comprise a wash at 60°C for 15 minutes in a solution of 0.5 x SSC concentration and 0.1% SDS, together with a terminator comprising a nucleotide sequence selected from the group consisting of the following sequences, and a fragment thereof having terminator activity:

~~(e)~~ (i) a nucleotide sequence of SEQ ID NO: 2,

~~(f)~~ (ii) a nucleotide sequence that has at least ~~70%~~ 95% homology to the nucleotide sequence of SEQ ID NO: 2 and has terminator activity, and

~~(g) a modified nucleotide sequence of SEQ ID NO: 2 that has one or more modifications selected from a substitution, a deletion, an addition and an insertion and having terminator activity, and~~

~~(h)~~ (iii) a nucleotide sequence that hybridizes with the ~~a~~ nucleotide sequence of SEQ ID NO: 2 under stringent conditions and has terminator activity, wherein the stringent conditions comprise a wash at 60°C for 15 minutes in a solution of 0.5 x SSC concentration and 0.1% SDS.

14. (Currently amended) The isolated expression vector according to claim 13, wherein the expression vector is pABPd.

15. (Currently amended) The isolated expression vector according to claim 11, which further comprises a nucleotide sequence encoding a protein of interest, wherein the nucleotide sequence is operably linked to the promoter and/or the terminator.

16. (Original) A host transformed with the expression vector of claim 15.

17. (Currently amended) The host according to claim 16, wherein the host is ~~Mycelia sterilia~~ Mycelia sterilia.

18. (Previously presented) A method for producing a protein of interest, which comprises culturing the host of claim 16 and collecting the protein of interest from the culture medium.

19. (Withdrawn) The expression vector according to claim 13, which further comprises a nucleotide sequence encoding a protein of interest, wherein the nucleotide sequence is operably linked to the promoter and/or the terminator.

20. (Withdrawn) A host transformed with the expression vector of claim 19.

21. (Withdrawn) The host according to claim 20, wherein the host is Mycelia sterilia.

22. (Withdrawn) A method for producing a protein of interest, which comprises culturing the host of claim 20 and collecting the protein of interest from the culture medium.